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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

11 ROBERT BRUCE KUNHART,  
12 Petitioner,  
13 vs.  
14 WARDEN GUTIERREZ,  
15 Respondent.  
16

2:12-cv-00614-RLH-RJJ

## ORDER

17 On October 21, 2011, petitioner submitted a petition for writ of habeas corpus pursuant to 28  
18 U.S.C. § 2241 to the United States District Court for the Central District of California (“California  
19 District Court”). In an order issued, April 10, 2012, the California District Court transferred the case  
20 to this court. (ECF No. 3.) The California District Court concluded that jurisdiction under 28 U.S.C.  
21 § 2241 does not exist and that the petition must be construed as a motion arising under 28 U.S.C. § 2255.  
22 (*Id.*) Accordingly, because the petition is a “disguised” § 2255 motion filed in a district other than that  
23 of conviction, the California District Court transferred the action to this court—the court in which  
24 petitioner was convicted. In light of a § 2255 motion being the appropriate vehicle for petitioner’s  
25 claims, the court orders the petition to be filed as a § 2255 motion in petitioner’s criminal case in this  
26 court: *United States v. Kunhart*, 2:04-cr-00494-RLH-LRL.

1       **IT IS THEREFORE ORDERED** that the clerk **SHALL FILE** the petition (ECF No. 1), the  
2 transfer order (ECF No. 3), and this order in *United States v. Kunhart*, 2:04-cr-00494-RLH-LRL. In  
3 filing the petition, the clerk shall designate it as a motion under 28 U.S.C. § 2255.

**IT IS FURTHER ORDERED** that the clerk **SHALL CLOSE** this case for statistical purposes.

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6 Dated this 10<sup>th</sup> day of May, 2012.

  
Peter L. Hant  
UNITED STATES DISTRICT JUDGE